



City of Jonesboro

Meeting Minutes

City Council

900 West Monroe
Jonesboro, AR 72401

Tuesday, February 19, 2008

6:30 PM

Council Chambers

PUBLIC SAFETY COMMITTEE MEETING AT 5:15 P.M.

1. Call to order by the Mayor at 6:30 P.M.

2. Pledge of Allegiance and Invocation

3. Roll Call by the City Clerk

Present 11 - Darrel Dover; Faye McCall; Ann Williams; Charles Frierson; Cecil Province; Jim Hargis; Chris Moore; Harold Perrin; John Street; Mitch Johnson and Tim McCall

Absent 1 - Judy Furr

4. Special Presentations

COM-08:015 Presentation by Mr. Bob Gibson concerning the Airport Commission

Attachments: [Airport Commission Presentation](#)

Mr. Gibson introduced the members of the Municipal Airport Commission. He then discussed the Jonesboro Municipal Airport. He stated next year they would like the City to assist them in building more T-hangers. He added he will be coming back to the Council in the fall to request the additional assistance. Mayor Formon questioned the expense for the flight service building. Mr. Gibson explained the expense is for the maintenance, cleaning, and whatever else needs to be done to the building. Mayor Formon noted the building is owned by the City of Jonesboro, but the Airport is paying for the cost of maintaining the building. Mr. Gibson stated they will be spending \$1.2 million on taxiways and paving the parking lots for the T-hangers. Mayor Formon explained he thinks the City should take over the repairs and maintenance of the flight service building. Councilman McCall motioned, seconded by Councilman Street, for the City of Jonesboro to take over the maintenance of the flight service building at the airport. All voted aye. Councilman Moore stated he occasionally is questioned by citizens asking about the possibilities of connecting with surrounding areas such as Walnut Ridge. Mr. Gibson explained it would be hard to do and expensive. He noted Walnut Ridge is having problems with their airport. Councilman Moore questioned the growth potential at the current airport's site. Mr. Gibson stated they have a lot and are currently updating their master plan. He added they have 40 or 50 years of airport development on the Jonesboro site. Councilman Moore then questioned the potential for landing larger aircraft. Mr. Gibson stated the problem is the density of the runway wouldn't be able to handle the weight of the planes. He explained it's not financially feasible to improve the runway to what is needed for a larger aircraft to land there only a few times a year.

This item was Read.

5. Consent Agenda*Approval of the Consent Agenda*

A motion was made by Councilman Chris Moore, seconded by Councilwoman Faye McCall, to Approve the Consent Agenda. A motion was made that these files be approved by consent voice vote

Aye: 11 - Darrel Dover; Faye McCall; Ann Williams; Charles Frierson; Cecil Province; Jim Hargis; Chris Moore; Harold Perrin; John Street; Mitch Johnson and Tim McCall

Absent: 1 - Judy Furr

MIN-08:018 Minutes for the February 7, 2008, City Council meeting.

Attachments: [020708](#)

A motion was made by that this Minutes be Passed . The motion passed BY VOICE VOTE

RES-07:2578 A RESOLUTION TO Condemn property at 504 Kitchen

Attachments: [504 Kitchen.doc](#)
[100_2751.JPG](#)
[100_2758.JPG](#)
[100_2750.JPG](#)
[100_2752.JPG](#)

Mr. Ronnie Shaver explained in the Public Safety Committee meeting that the property had been cleaned up and condemnation was not necessary.

This matter was Postponed Indefinitely

Aye: 11 - Darrel Dover; Faye McCall; Ann Williams; Charles Frierson; Cecil Province; Jim Hargis; Chris Moore; Harold Perrin; John Street; Mitch Johnson and Tim McCall

Absent: 1 - Judy Furr

RES-07:2579 A RESOLUTION TO Condemn property at 916 Cate

Attachments: [916 Cate.doc](#)
[100_8900.JPG](#)
[100_8901.JPG](#)
[100_8902.JPG](#)
[100_8903.JPG](#)

Mr. Ronnie Shaver explained the property had been cleaned up and condemnation was not necessary.

This matter was Postponed Indefinitely

Aye: 11 - Darrel Dover; Faye McCall; Ann Williams; Charles Frierson; Cecil Province; Jim Hargis; Chris Moore; Harold Perrin; John Street; Mitch Johnson and Tim McCall

Absent: 1 - Judy Furr

RES-07:2580 A RESOLUTION TO Condemn property at 511 Houghton

Attachments: [511 Houghton St.doc](#)
[100_1642.JPG](#)
[100_1636.JPG](#)
[100_1643.JPG](#)
[100_1641.JPG](#)

A motion was made by that this Resolution be Passed . The motion passed BY VOICE VOTE

Enactment No: R-EN-020-2008

RES-07:2582 A RESOLUTION TO Condemn property at 509 Houghton

Attachments: [509 Houghton St.doc](#)
[100_1634.JPG](#)
[100_1635.JPG](#)
[100_1636.JPG](#)

A motion was made by that this Resolution be Passed . The motion passed BY VOICE VOTE

Enactment No: R-EN-021-2008

RES-07:2586 A RESOLUTION TO Condemn property at 1820 E Johnson (White Oaks Apartments)

Attachments: [1820 E Johnson.doc](#)
[100_1864.JPG](#)
[100_1866.JPG](#)
[100_1869.JPG](#)
[100_1871.JPG](#)

A motion was made by that this Resolution be Passed . The motion passed BY VOICE VOTE

Enactment No: R-EN-022-2008

RES-08:008 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE PROPERTY LOCATED AT 107 S. FLOYD STREET, JONESBORO, ARKANSAS FOR THE PURPOSE OF ESTABLISHING A DETENTION POND.

Sponsors: Public Works and Mayor's Office

Attachments: [City Appraisal](#)
[Mayor's Letter](#)
[Offer & Acceptance](#)
[Peggy Dunlap Appraisal](#)
[Moving Expense](#)

A motion was made by that this Resolution be Passed . The motion passed BY VOICE VOTE

Enactment No: R-EN-023-2008

- RES-08:012** A RESOLUTION TO PERMIT JONESBORO PARKS AND RECREATION TO ENTER INTO AN AGREEMENT WITH KAIT
- Sponsors:** Parks & Recreation
- Attachments:** [Memorendum of Understanding K88K 2008](#)
- A motion was made by that this Resolution be Passed . The motion passed BY VOICE VOTE**
- Enactment No: R-EN-024-2008
- RES-08:013** A RESOLUTION APPROVING THE CITY OF JONESBORO'S APPLICATION FOR THE 2008 SAFE ROUTES TO SCHOOL GRANT
- Sponsors:** Parks & Recreation
- A motion was made by that this Resolution be Passed . The motion passed BY VOICE VOTE**
- Enactment No: R-EN-025-2008
- RES-08:014** A RESOLUTION TO AMEND A CONTRACT WITH NRS ENGINEERING FOR CONSTRUCTION INSPECTION OF THE TURTLE CREEK GREENWAY
- Sponsors:** Parks & Recreation
- Attachments:** [NRS Turtle Creek Greenway Contract Amendment #2 2-1-2008](#)
- A motion was made by that this Resolution be Passed . The motion passed BY VOICE VOTE**
- Enactment No: R-EN-026-2008
- RES-08:019** RESOLUTION NAMING JUDGES, CLERKS AND ALTERNATE WORKERS TO SERVE IN THE CITY WATER AND LIGHT PLANT ELECTION
- A motion was made by that this Resolution be Passed . The motion passed BY VOICE VOTE**
- Enactment No: R-EN-027-2008

6. New Business

Ordinances on First Reading

- ORD-08:003** AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE PROVIDING FOR CHANGES IN ZONING BOUNDARIES LOCATED ON THE NORTHSIDE OF PEACHTREE AVENUE BETWEEN BRIDGER AND PEBBLEWOOD DRIVE, NORTH OF KARA DRIVE AS REQUESTED BY DOUBLE HILL, LLC

Attachments: [Plat A](#)
[Plat B](#)
[MAPC Report](#)
[Peachtree Rezoning - Opposition Petition](#)
[February 21 Letter](#)
[Aerial Photo Showing Subject Property & Surrounding Zoning](#)
[Elevation of Quadplex](#)
[Floor Plan.Community Building](#)
[Floor Plan.Quadplex](#)
[Gate Diagram](#)
[Layout Concept.Single Family.RS5\(Similar to R1\)\(8,700 Square](#)
[Phase I.10 Quadplexes.40 Units](#)
[Phase II.5 Quadplexes.20 Units](#)
[Property Value Analysis - St.Bernard's Village Area](#)
[Proposed Bill of Assurance](#)
[Proposed Development.15 Quadplexes.60 Units.18 Duplexes.36 U](#)
[Proposed Ordinance](#)
[Rendering of Quadplex.Brick.Stone Exterior](#)
[Storm Water Detention Summary](#)
[table.contents](#)
[Topographical Map of Entire 70 Acres](#)
[Traffic Study.31 Acres](#)
[Traffic Study.70 Acres](#)

Attorney Don Parker discussed the rezoning. He explained the property will be used as a retirement community that will have 15 quadplexes, 18 cottage homes and 12 single family residences. He then discussed Planned Development districts, noting they are one of the most restrictive planning tools. He further explained the zoning will be mixed used due to the single-family and multi-family residences. He added the project received favorable staff approval with thirteen stipulations included in the MAPC report. He stated the MAPC unanimously recommended the rezoning for consideration by the Council. Mr. Parker also stated there was a fourteenth stipulation by the MAPC in the report to the Council. He then discussed the units that will be in the development. He stated the development will be a gated community. He explained part of the project includes 40 acres that is in the county but was included at the request of the MAPC and is not part of the rezoning request. He noted the previous annexation for the 40 acres was pulled. Mr. Parker stated there is no planned access into Sage Meadows and there never will be. He stated they have held a community meeting and was invited to another to address any concerns. He then discussed the storm water detention that will be in the project. He explained if the whole project is developed the net result will be an additional over detention of 10.3 acre feet. He noted there is no way they could cause any problems in Sage Meadows and are going to positively impact the problems downstream. Mr. Parker then discussed traffic concerns. He explained if they developed the land like it is now as R-1 as opposed to the proposed development it will generate two to four times more traffic, depending on the time of day. Mr. Parker discussed property value concerns and concerns as to whether the development will be what they are proposing.

Mayor Formon stated his concern is there is a stipulation in the bill of assurance on page 5, section 2 that allows the developer to permit individuals as young as 18 to live in the community. Mr. Parker stated that language is required by the Fair Housing Act and they have no choice but to have it in there. Mayor Formon explained he understands that, but that leaves the option to have seven buildings with college students or other individuals the same age. Mr. Parker explained it is as restrictive as the law will allow. Mayor Formon questioned who would police to make sure they follow the law. City Attorney Crego stated a bill of assurance is not enforceable by city government; rather, it is enforceable by a private right of action by residents in the community. He explained the city could make

stipulations in the zoning that would allow for the city to enforce bills of assurance.

City Planner Otis Spriggs explained they reviewed the proposal and had the same conversation at the MAPC level concerning assurance the units won't turn into rentals. He stated there were stipulations attached to the recommendation. He noted the conditions were not placed in the ordinance but hopefully they will be in there by the third reading of the ordinance. He added the Council can add to those stipulations.

Mr. Phillip Wheaton, a resident of Tara Drive, discussed his and his neighbors opposition to the rezoning. He discussed drainage concerns and possible property values decreasing. He stated their neighborhood is safe and they would like to keep it that way. Mr. Garland Martin, a resident of Sage Meadows, also discussed his opposition to the rezoning. He noted the developers have added a third detention pond in the past week and did not inform the residents of the improvement. He added they were told the detention ponds would also be water features, so they would be half full at all times, reducing the amount of storm water the ponds will hold. He explained according to what was given to them a week ago the developers only have enough to retain runoff for 48 acres, which is less than the 70 acres they are going to develop. Mr. Delane Hogan, a resident of Sage Meadows, thanked the City Council for allowing them to voice their opposition on the rezoning. He also thanks Mr. Spriggs' staff for the time spent on the rezoning. He noted home owners from the north, east, south and west of the property are represented at the meeting in opposition rezoning. He then discussed the rezoning application and stated they have yet to find out how it would benefit the community or the neighborhood. Mr. Brian Umberson stated the information they have received has been spotty at best and today has been the first day they have received some of the information even after requesting it. He explained the area already has stressed roads, stressed drainage and is further from a hospital than a community like St. Bernard's Village.

Ms. Connie Hill stated when she met with City Planner Otis Spriggs she was asked what she might consider developing in the area in the county. She explained she said assisted living, not nursing home, apartments or federally funded assisted living. She further explained if the back 40 is ever developed, which there are no plans for at this time, then they will do assisted living with duplexes. She also noted the community building has always been a part of the plans, which were shown at each of the meetings. She also stated the Mayor was at a meeting and indicated he opposed the plans. Ms. Hill stated they have no plans for federal funds or match tax dollars. Attorney Parker explained Mr. George Hamman, engineer for the project, determined there would be a need for a third detention pond, which is the reason for the addition to the plans. Mr. Parker then questioned the crime concerns from the neighbors, questioning whether there would be an increase in crime from a retirement community. He also stated they have not indicated the Hills would build an R-1 community; rather, they just compared the traffic flows to an R-1 community because that's what could be developed there since it's currently an R-1 zoning. Mr. George Hamman explained they are using the city-specified programs to analyze the drainage on the project. He further explained the project will use pipes, but no pumps and will gravity flow. He noted they are building vertical walls for the ponds, unlike what Mr. Martin discussed earlier. He stated they are storing three times more water than needed by City regulations and they are drastically decreasing the rate of runoff from the overall site.

Mr. Umberson then questioned crime rates. Police Chief Michael Yates explained rental units typically tend to have higher crime rates. Mr. Roger Kaiser, property owner from Peachtree Avenue, discussed his opposition to the rezoning. He stated they farm on their property and that's all they intend to use the land for. He expressed concern over the

property being sold after it's rezoned.

Councilman Hargis stated he attended the first meeting and saw the Mayor attending to the information about the hydrology. He noted they will be making the hydrology better than what it is now. He stated if the property owners are not able to leave the owners downstream in at least as good of a situation they are in now then the law will not allow for them to move forward. Mayor Formon noted Carter Burgess, BA Engineering and the Corps all had different numbers on their studies of the basins in Jonesboro. He explained you can get different opinions from different engineers.

The ordinance was offered by Mr. Mitch Johnson by title only.

This Ordinance was Held at one reading.

ORD-08:005 AN ORDINANCE TO AMEND ORDINANCE 92:907 AND SECTION 14, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF JONESBORO, ARKANSAS, BY CLARIFYING SECTION 14.25 TO REGULATE THE USE AND LOCATION OF COMMERCIAL TRAILERS AND MOBILE VENDING UNITS.

Sponsors: Planning and Metropolitan Area Planning Commission

Attachments: [MAPC Recommendation](#) [Mobile Vending](#)
[Original Ordinance 92_907](#)

Councilman Moore offered the ordinance for first reading by title only.

Councilman Moore moved, seconded by Councilman Perrin to suspend with the second and third readings. A voice vote was taken resulting in all members present voting aye. The motion carried.

A motion was made by Councilman Chris Moore, seconded by Councilman John Street, that this matter be Passed . The motion PASSED by an unanimous vote.

Councilman Street moved, seconded by Councilman Moore for the adoption of the emergency clause. A roll call vote was taken resulting in all members present voting aye. The motion carried.

Aye: 11 - Darrel Dover;Faye McCall;Ann Williams;Charles Frierson;Cecil Province;Jim Hargis;Chris Moore;Harold Perrin;John Street;Mitch Johnson and Tim McCall

Absent: 1 - Judy Furr

Enactment No: O-EN-008-2008

ORD-08:006 AN ORDINANCE TO AMEND TITLE 9, STREETS AND SIDEWALKS, OF THE JONESBORO CODE OF ORDINANCES, TO AMEND AND CREATE ADDITIONAL STREET SPECIFICATIONS

Sponsors: Engineering

Councilman Moore offered the ordinance for first reading by title only.

Councilman Moore moved, seconded by Councilman Street to suspend with the second and third readings. A voice vote was taken resulting in all members present voting aye. The motion carried.

A motion was made by Councilman Chris Moore, seconded by Councilman Harold Perrin, that this matter be Passed . The motion PASSED by an unanimous vote.

Aye: 11 - Darrel Dover;Faye McCall;Ann Williams;Charles Frierson;Cecil Province;Jim Hargis;Chris Moore;Harold Perrin;John Street;Mitch Johnson and Tim McCall

Absent: 1 - Judy Furr

Enactment No: O-EN-009-2008

ORD-08:010 AN ORDINANCE AMENDING THE 2007 BUDGET ORDINANCE FOR THE CITY OF JONESBORO, ARKANSAS

Sponsors: Mayor's Office

Attachments: [Budget 2008 amendment](#)

Mayor Formon explained this is the cleanup ordinance for the 2007 budget. Councilman Moore questioned whether the ordinance needed to be taken to the Finance Committee before being considered by the City Council. Mayor Formon stated in the past the cleanup ordinance has always gone straight to Council from what he understands. Councilman Dover agreed, stating the Finance Committee authorized the cleanup ordinance going straight to Council. Councilman Hargis questioned when they would get an explanation for the variance between the budget and the actual expenses. Councilman Dover stated the Finance Committee discussed it a lot during the budget process. Mayor Formon explained they asked Mr. Don Ray to attach details as to where the money was spent, but Mr. Ray did not attach enough detail in his opinion. He further explained the two major impacts is from the capital improvements fund for the twelve hot spot projects and an increase in the Police Department expenses for items such as jail fees, gas, and the City's share of the LOPFI retirement fund. He noted the LOPFI payment was accidentally left out of the 2007 budget. Councilman Dover stated they did not put the projects in the budget because they were unsure how much the projects would cost. Mayor Formon noted every single dollar spent was brought before Council and approved. Mayor Formon added other expenses include overtime paid for the Alberto-Culver plant project, Sanitation and Parks overages in fuel, as well as money spent in Parks & Recreation grants for the greenway project. He also stated there was overages in 911, Outside Agencies and the Fire Department. He explained he would get Mr. Ray to e-mail everyone the additional information. Councilman Moore stated he would like to hold the ordinance to one reading until they get the rest of the information.

Councilman Moore offered the ordinance for the first reading.

This Ordinance was Held at one reading.

7. Unfinished Business

Ordinances on Third Reading

ORD-08:004 AN ORDINANCE TO AMEND TITLE 14, KNOWN AS THE ZONING ORDINANCE

PROVIDING FOR CHANGES IN ZONING BOUNDARIES LOCATED ON THE SOUTHSIDE OF JOHNSON AVENUE BETWEEN ORIOLE DRIVE AND OLD BRIDGER ROAD AS REQUESTED BY C & O ENTERPRISES

Attachments: [Plat](#)
[MAPC Report](#)

Attorney Skip Mooney, representing C&O Enterprises, noted he did not represent C&O when the rezoning went to the MAPC or when the ordinance was read the first time before Council. He explained it was his understanding the rezoning was submitted to MAPC with a request for C-3 zoning with a limited use overlay. He discussed the surrounding property and their zoning. He noted the MAPC asked for the application be changed for a C-4 zoning with limited use. Mr. Mooney asked for the ordinance be amended to allow for a funeral home on the property. Councilman Frierson noted he raised the issue concerning spot zoning. He then asked what the City Attorney's opinion was. City Attorney Crego explained there is no one definition of what spot zoning is. He further explained the size of the parcel, whether it complies with the land use plan, whether the use will be compatible with surrounding areas and whether the use is for the benefit of the community as a whole. Mr. Crego added if the limited use is limited to a funeral home only then the argument could be made that the community as a whole would benefit, although the first three issues would work against the rezoning because the land being rezoned is small, the rezoning does not comply with the existing land use plan nor will it comply with the land use plan currently being developed and the rezoning is different from the prevailing use of the existing parcels in the area. He stated in general this would be considered spot zoning, unless the Council determines there would be enough benefit to the community to have a funeral home in the area. Councilman Frierson explained spot zoning in the past has sometimes been overcome by attaching properties to an existing commercially zoned property. He questioned how far east this property is located from an existing commercially zoned property. Mr. Mooney answered it would be about a block. Councilman Frierson questioned whether there is a possibility to connect to that property. Mr. Mooney stated he doesn't think there would be a possibility. He noted there is no objection to the rezoning by surrounding owners but he doesn't think the property owners would be willing to rezone their property. He explained the property will never be developed if it stays R-1 because no one will want to build a home off a five-lane road. He added no new homes are being built on Johnson. He asked for all the limited uses be taken out and the only limited use be a funeral home. City Planner Otis Spriggs stated he has no objection to it being limited to only a funeral home use.

Councilman Hargis moved, seconded by Councilman Moore to amend the ordinance limiting the permitted uses for the property to Funeral Homes. A voice vote was taken resulting in all members voting aye.

Since the ordinance was amended, Councilman Perrin offered the ordinance for the first reading as amended by Title Only. A voice vote was taken resulting in all members voting aye.

Councilman Moore moved, seconded by Councilman Perrin to suspend with the second and third readings as amended. A voice vote was taken resulting in all members voting aye with the exception of Councilman Tim McCall who voted nay. The motion carried.

A motion was made by Councilman Jim Hargis, seconded by Councilman Chris Moore, that this matter be Passed as Amended . The motion PASSED by an unanimous vote.

Aye: 11 - Darrel Dover; Faye McCall; Ann Williams; Charles Frierson; Cecil Province; Jim Hargis; Chris Moore; Harold Perrin; John Street; Mitch Johnson and Tim McCall

Absent: 1 - Judy Furr

Enactment No: O-EN-010-2008

8. Mayor's Reports

Mayor Formon presented the Council with updates on the fire stations and the animal control building projects. He also noted a financial cash statement had been provided to the Council members by Mr. Ray. He explained copies of the 2008 quality of life study report were distributed to the Council members as well.

9. City Council Reports

Councilman Street announced a Stormwater Management Board meeting tomorrow at 8 a.m. in the Huntington Building. He also noted a list of ditch improvements is available so the public can keep up with it.

Councilman Moore asked for an update concerning Envisions night club. He noted Envisions has had 11 violations in the past five months and asked what makes them different from the Eagles. Police Chief Michael Yates explained due to recent events they have been looking at responses to that location. He noted the 11 that were cited that Councilman Moore referred to are not the only incidents where they were called out to the property; rather, they were the only instances where he could show relevancy to how the business is being operated. He further explained they have put together all the material and sent it to the ABC Board. He stated during the most recent event, which included gunfire, the sign-in book came up missing during the event. He added the guest book is not regulated by the City but it is of interest to the ABC Board. He stated they are waiting on a decision by the ABC Board and expect some sort of resolution in 30 days. Councilman Moore noted the events included threats to shoot the owner, gun complaints, serving underage and large fights. He then questioned what Chief Yates would do if the ABC Board takes no action. Chief Yates stated right now they are just going to wait on the ABC Board because they have a number of options available. He explained they can take no action, they can take action in addition to the ABC Board or they can revoke the club's local license. He stated they will wait on the ABC Board and continue to monitor any problems at the location. City Attorney Crego noted in another enforcement issue they worked closely with the ABC Board and they asked the City to allow them the first look at any violations.

Councilman Hargis stated he has had some inquiries about picking up limbs more than twice a year. He asked for Sanitation Director Royce Leonard to say something regarding that at the next meeting. He then stated he has had inquiries about getting through to Suddenlink and has heard complaints. He asked for someone from Suddenlink to discuss the issue. Mayor Formon explained six or seven months ago Suddenlink stopped operating their switchboard locally; instead, when you call the local number it goes to their office in Texas. Councilman Hargis questioned what the City can do. Mayor Formon stated he's not sure there's anything the City can do other than to notify the company that there have been some complaints.

Councilman Province stated he has tried to contact Suddenlink and was put on hold for 45 minutes one time and 20 minutes another time before he hung up. He explained he would like to talk to a person and not a machine.

10. **Public Comment**

11. **Adjournment.**